

## **REMARKS AND DISCUSSION:**

Upon entry of the present Amendment-F, the claims pending in the present application are claims 1, 5-14, 16, and 20-21, of which claims 1 and 20 are each independent. Claims 1 and 20 have been amended by the present Amendment-F.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-F is submitted.

It is contended that by the present Amendment-F, all bases of objections and rejections set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objections and rejections is respectfully requested.

### **Amendments Presented**

*In the Claims:* Claim 1 has been amended by specifying that the case of the meter unit is configured to protect said IC tag from wind, rain and dust without interrupting electromagnetic waves transmitted/received by said IC tag; and that the back surface of the meter panel is configured to protect said IC tag from ultraviolet light and heat without interrupting electromagnetic waves transmitted/received by said IC tag.

Claim 20 has been amended by specifying that the database is configured to manage a plurality of subsets of the tag information, and said IC tag is configured with one of said subsets of the tag information; that the control part is configured to manage a vehicle life cycle management function, a search function and a disposal or recycle function; wherein the terminal is linked to one of the vehicle life cycle management function, the search function and the disposal or recycle function, and that the IC tag is protected from wind, rain, dust, ultraviolet light and heat without

interrupting electromagnetic waves transmitted/received by said IC tag.

Applicant respectfully submits that the above amendments to the claims are fully supported by the original disclosure including the drawings. Applicant also respectfully submits that no new matter is introduced into the application by amending the claims, since the entire subject matter thereof was expressly or inherently disclosed in the original claims, specification and the drawings.

Claim Rejections – 35 USC §103

1. In the Office Action (page 2, item 3), the Examiner rejected claims 1 and 5-14 under 35 USC §103(a) as being unpatentable over Tamai (US 7,031,946) in view of Vock et al. (US 2003-0163287 or Didomenico et al. (US 7,164,132), Yamamoto (US 6,332,572) and Shimura (US 6,547,128);
2. In the Office Action (page 4, item 4), the Examiner rejected claim 16 under 35 USC §103(a) as being unpatentable over Tamai in view of Takashima (US 6,352,045); and
3. In the Office Action (pages 4-6, item 5), the Examiner rejected claims 20-21 under 35 USC §103(a) as being unpatentable over Tamai in view of Vock and further in view of Michael et al. (US 2003-0088442) and Berquist et al. (US 2002-01855320). The Examiner also cited Calandruccio (US 5,955,965) in her rejection of claims 20-21.

*Applicant's Response:*

As stated above, applicant has amended claims 1 and 20, herein. Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection for substantially the same reasons as provided in Amendment-D of 25 March 2009 and Amendment-E of 21 July 2009, and further because the applied references, considered either singly or in combination, fail to teach or suggest arranging an element having an IC tag in a meter unit, as required by the claimed invention.

### The Standard for Obviousness

The U.S. Supreme Court has recently held, “[A] patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art. . . . Inventions usually rely upon building blocks long since uncovered, and claimed discoveries almost necessarily will be combinations of what, in some sense, is already known. *KSR v. Teleflex*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (S.Ct.2007).

In this regard, the Examiner must provide a valid reason why he or she feels that it would be obvious to combine the elements of the cited references in the fashion claimed by applicant. “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in *KSR v. Teleflex*, *supra*.)

The U.S. Supreme Court has also stated that a factfinder should be aware of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning. See *Graham*, 383 U. S., at 36 (warning against a “temptation to read into the prior art the teachings of the invention in issue” and instructing courts to “guard against slipping into the use of hindsight”). *KSR v. Teleflex*, *supra*.

Applicant respectfully submits that the Examiner has not provided a convincing or persuasive reason why it would be appropriate to combine the references in the manner suggested by the Examiner, and respectfully points out that even if the references are hypothetically combined, for the sake of argument, the combination fails to produce applicant’s invention as claimed.

Applicant respectfully submits that the differences between the claimed invention and the cited references are substantial and significant, and therefore, applicant’s invention is non-obvious as

compared to the respective teachings of the references.

In this regard, applicant notes that:

Tamai discloses a radio IC tag 80 formed by an enclosing an IC chip unit 200 and antenna unit 201 into a resin made plate; and placing/associating such radio IC tag 80 on/with a motorcycle (col. 17, lines 15-19; col. 33, line 65 – col. 34, line 7);

Vock discloses a movement monitor device (MMD) – the MMD including an adhesive strip, a processor, a detector, and a communications port – which may be placed on a bicycle (paragraphs [0278]-[0280]. Applicant respectfully suggests that the disclosure of Vock (related to a bicycle) is unrelated to the claimed IC tag equipped motorcycle;

Didomenico discloses an identification tag including a transponder located on or within vehicle (e.g., hung from a rear view mirror, placed on a dashboard, as a part of a global positioning system, located within an engine of a vehicle) (col. 9, lines 9-24);

Yamamoto discloses a transponder type key security system having a single-piece transponder 200 embedded in a reverse side of an instrument panel in a vicinity of an immobilizer coil 10, such that the embedded transponder 200 never fails to respond to a key code request (col. 6, lines 63-67). Again, applicant notes that the disclosure of Yamamoto is unrelated to the claimed IC tag equipped motorcycle;

Shimura discloses a hub odometer including an eccentric weight 5 having a main circuit 9 including a memory for storing measuring data from a magnetic pickup coil 8, a transmitting circuit for transmitting the stored data of the memory, a receiver 10 including a high frequency circuit and an antenna, and a battery 11 for driving the main circuit 9 and the receiver 10 (col. 3, lines 12-17); Takashima discloses an immobilization system for watercraft, including a transponder 58 insert molded within a lanyard member 54, which is mounted on an outer housing 62 arranged on

mounting portion 64 of the watercraft;

Michael discloses an inventory management system which allows a user to synchronize his/her PDA with main database, and updating of a local database (paragraph [0116]);

Berquist discloses a method of RFID data collection and use, in which an inventory database may be updated either continuously or periodically after obtaining information (paragraph [0037]); and

Calanduccio discloses a bicycle having a locating system attached thereto. The locating system responds to a call signal from a call station by transmitting a locator signal to a locator station. The locating system of Calanduccio includes a transponder 5 located within a seat frame tube 13 of the bicycle, and attached to a power supply 9 located within or under the seat 15 (col. 3, lines 12-18; Fig. 2).

Based on such actual disclosures of the applied references, a person of ordinary skill in the art would not consider it obvious to combine teachings of one or more of these references, as proposed by the Examiner in the present Office Action, because none of the references teach the required features of the claimed invention.

For example, the applied references, either considered singly or in combination fail to disclose or suggest the claimed IC equipped motorcycle having an element formed of a resin material having transmissivity to electromagnetic waves; and an IC tag integrated with the element by insert forming, the element including a case of a meter unit having high sealing ability, the IC tag being housed within the meter unit on a surface of the meter panel; and the meter panel being formed of a material having transmissivity to electromagnetic waves, and the IC tag is installed on a back surface of the meter panel, as required by independent claim 1. Similarly, the applied references, fail to disclose or suggest the claimed management system of an IC tag equipped

motorcycle recited in independent claim 20. Accordingly, the Examiner's hypothetically proposed combinations of teachings of the applied references would not achieve the claimed invention recited in each of claims 1 and 20.

Rather, the Examiner hypothetically proposed combination(s) of the teachings of the applied references, would provide arranging an IC tag at a random position on a motorcycle, e.g., hung from a rear view mirror, placed on a dashboard, in a global positioning system, located within an engine of a vehicle, as taught by Didomenico; or arranging IC tag hub odometer, as taught by Shimura; or arranging IC tag on seat frame of a motorcycle.

Accordingly, applicant respectfully submits that the combination of the references would fail to teach or even suggest the claimed IC equipped motorcycle having an element formed of a resin material having transmissivity to electromagnetic waves; and an IC tag integrated with the element by insert forming, the element including a case of a meter unit having high sealing ability, the IC tag being housed within the meter unit on a surface of the meter panel; and the meter panel being formed of a material having transmissivity to electromagnetic waves, and the IC tag is installed on a back surface of the meter panel, as required by the claimed invention.

Further, a person of ordinary skill in the art would realize that the Examiner's hypothetically proposed combination(s) would not provide the claimed invention because such hypothetically proposed combination(s) of the teachings of the applied references are coming entirely from the use of impermissible hindsight (guided by the applicant's own disclosure) and cannot be fairly gleaned from any rational/reasonable interpretation of the references when considered singly or in combination thereof.

Accordingly, the applied references fail to disclose the limitations claims 1 and 20. Also, the applied references fail to disclose the limitations of claims 5-14, 16 and 21 for the reasons provided

in relation to claims 1 and 20, and for the additional limitations included therein.

Moreover, applicant respectfully submits that the location of the IC tag in a resin member is advantageous and aids in the achieving the objective of the present invention and is not a matter of obvious design choice. The objectives of the present invention are to provide an IC tag equipped vehicle that provides a resin member that houses an IC tag therefore eliminating the requirement of incorporating an additional/separate housing to encapsulate the IC tag in order to provide a high sealing ability and to provide a vehicle equipped with an IC tag which can withstand use in a severe environment. These objectives and advantageous characteristics of the present invention are not disclosed nor contemplated by the references of record.

According to the features of the claimed invention, because an IC tag is housed in a case formed of a material having transmissivity to electromagnetic waves, the IC tag can be protected from wind, rain and dust without interrupting its transmitted/received electromagnetic waves and because the IC tag can be housed in a meter unit having a high sealing ability, another case having a high sealing ability will not be required, thus lowering production costs.

Nonetheless, in an effort to expedite the prosecution of the present application, applicant has amended independent claims 1 and 20, herein. Applicant submits that such amendments to claim 1 and 20 further define and patentably distinguish the claimed invention over the references of record, and/or better describes the features of the claimed invention that aid in achieving the overall objectives present invention.

For example, applicant submits that according to the invention of amended claims 1 and 20, because the IC tag is installed on the back surface of the meter panel, deterioration of the IC tag due to sun light, ultraviolet rays, and heat of the sun can be prevented. In contrast, Vock et al. teaches the IC tag is installed on a flexible strip, deterioration of the IC tag due to bending, ultraviolet rays,

or heat of the sun may easily occur.

Moreover, such feature more expressly serves an objective of the present invention, i.e., to provide a vehicle equipped with an IC tag which can withstand use in a severe environment. Also, applicant notes that by incorporating the IC tag within the resin meter panel (rather than within a metal structure), the sensitivity of wireless communication between the IC tag and reader is not lowered.

For all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5-14, 16, 20 and 21 under 35 USC § 103.

#### Other Matters

The additional reference cited by the Examiner included with the Office Action – US Patent 7,522,881 to Yamagiwa; and US Patent Published Application No. US 2006/0202862 to Ratnakar – have been considered by applicant. Applicant respectfully submits that all of the present claims are patentably distinct over these references, whether considered singly or in combination.

#### Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.



If the Examiner is not fully convinced of the allowability of all of claims now in the application, or feels that the prosecution of the application could be advanced by a telephone discussion, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve any issues remaining in the prosecution of the application.

Favorable reconsideration is respectfully requested.

Respectfully submitted,



William D. Blackman  
Attorney for Applicant  
Registration No. 32,397  
(248) 344-4422

Customer No. 21828  
Carrier, Blackman & Associates, P.C.  
43440 West Ten Mile Road  
Novi, Michigan 48375  
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Fulchand Shende

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